

EXHIBIT B

FILED

16 AUG 23 AM 10:31

KING COUNTY
SUPERIOR COURT CLERK
The Honorable Sean O'Donnell
Hearing Date: August 24, 2016
CASE NUMBER: 15-2-17125-9 SEA
Without Oral Argument

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

DAVID BETZ, a married individual,

Plaintiff,

v.

JULIE DALESSIO, an individual; KEYCORP,
INC., an Ohio corporation; and KEYBANK
NATIONAL ASSOCIATION, a Washington
business,

Defendant.

NO. 15-2-17125-9 SEA

DECLARATION OF DAVID F. BETZ
IN SUPPORT OF MOTION FOR
VOLUNTARY DISMISSAL OF
CLAIMS

I, David F. Betz, do hereby state and declare as follows:

1. I am the Plaintiff in the above-captioned matter, am over the age of eighteen, have personal knowledge of and am competent to testify about the matters set forth in this Declaration. I am also a licensed attorney and member of Impact Law Group PLLC.

2. I have reviewed the response to my motion for voluntary dismissal of claims submitted by Defendant Julie Dalessio ("Dalessio") and need to clarify misstatements made therein.

DECLARATION OF DAVID F. BETZ IN SUPPORT OF
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1 3. First, I had every intention of pursuing mediation in this matter on August 16,
2 2016 in order to (optimistically) resolve this matter before listing my house for sale. Dalessio
3 demanded that mediation take place at my house versus WAMS' office, which I refused to
4 agree to. My dispute with Dalessio has detrimentally impacted my life since May 2015 when
5 she started building her fences and I could not agree to have the lawsuit invade my family's
6 home. In addition, Dalessio demanded the mediation be at my home to be from 1:30 p.m. to
7 5:30 p.m. which would also impact my wife and nearly 3 year old son who would either be
8 home, or prevented from coming home due to a mediation inside our house. That was
9 completely unacceptable to me on a number of levels. My home is a private space for myself
10 and my family, and is not appropriate for a legal proceeding. I considered Dalessio's attempts
11 to force this upon me to be bad faith gamesmanship – as she has demonstrated throughout this
litigation.

12 4. Attached hereto as **Exhibits A** and **B** are true and correct copies of email strings
13 between my attorneys and WAMS attempting to get mediation scheduled for a neutral location
14 on August 16th and thereafter. We even proposed that Dalessio stay home during mediation on
15 August 16th and that her attorney attend in person at WAMS. That was not acceptable to
16 Dalessio, her attorney, or both. They would not relent from me being forced to meditate at my
home, and even went as far as filing a motion seeking to compel me to do so.

17 5. Second, I had every intention of taking this case to trial if necessary and have
18 been attempting to reach that stage in these proceedings since last July. The trial date is now set
19 for late October 2016, and I cannot afford to allow this lawsuit to put my life on hold any longer.
20 My family and I have chosen to move to get away from Dalessio, her actions, and this lawsuit.
21 While I would like to try this case and would hope to prevail on the merits, I had to make an
22 economic decision to move on with life.

1 6. Third, it is completely disingenuous for Dalessio and her counsel to claim that
2 my Form 17 states that there is no challenge to the surveyed boundary line. What it actually
3 states is:

4 There is a boundary dispute concerning the northern boundary between Sellers'
5 parcel and the southern boundary of the parcel located at 1110 29th Avenue. The
6 dispute is the subject of a lawsuit in King County Superior Court, Cause No. 15-
7 2-17125-9 SEA. In the lawsuit, Sellers are asserting to be the owners of the
8 property located north of the surveyed boundary line of Sellers' parcel. The
9 lawsuit does not involve any challenge to the surveyed boundary lines of Sellers'
10 parcel. Seller has filed a motion to voluntarily dismiss the lawsuit. Accordingly,
11 the lawsuit will be dismissed on or about August 24, 2016.

12 As stated above, I *am* challenging her boundary line. While the Court will undoubtedly see that
13 is the case, I wanted to raise it because I have been dealing with misstatements by Dalessio
14 throughout this case and this is yet another example. *See* Eustis Decl., at Ex. 2.

15 7. Moreover, the Form 17 is not publically available so Dalessio must have
16 deceptively posed as a potential buyer to obtain the document through a real estate agent, which
17 can only be accessed through NWMLS with the proper log-in credentials.

18 8. Lastly, Dalessio claims that "this action has been financially, physically and
19 emotionally taxing" to her. This action, which arises out of Dalessio's own conduct, not mine,
20 has also been financially, physically and emotionally taxing on me and my family. Thus, we
21 are choosing to move away from a house we have enjoyed for nearly 10 years versus continuing
22 to battle with Dalessio any further.

23 9. Attached hereto as **Exhibit C** is a true and correct copy of Tegland, *Civil
Procedure*, Washington Practice, 14A WA Practice §23:4 (citations omitted).

1 I declare under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct.

3 DATED at Seattle, Washington: This 23nd day of August, 2016.

4 */s/ David F. Betz*

5 David F. Betz
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